

SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NPDES GENERAL PERMIT

for

STORM WATER DISCHARGES FROM CONSTRUCTION ACTIVITIES
THAT ARE CLASSIFIED AS "ASSOCIATED WITH INDUSTRIAL ACTIVITY"
BY EPA REGULATION

This permit authorizes storm water discharges to waters of the State South Carolina in accordance with the monitoring requirements and other conditions set forth in Parts I through IX hereof. This permit is issued in accordance with the provisions of the Pollution Control Act (S.C. Code Sections 48-1-10 *et seq.*, 1976) and with the provisions of the Federal Clean Water Act (PL 92-500), as amended, 33 U.S.C. 1251 *et seq.*, the "CWA."

Marion F. Sadler Jr., Director

Industrial, Agricultural and Storm Water Permitting Division
Bureau of Water

Issued: January 15, 1998

Expires: January 31, 2003

Effective: February 1, 1998

Permit No.: SCR100000

TABLE OF CONTENTS

Part I.	COVERAGE UNDER THIS PERMIT
A.	Permit Area
B.	Eligibility.
C.	Authorization.
Part II.	NOTICE OF INTENT REQUIREMENTS
A.	Deadlines for Notification
B.	Contents of Notice of Intent
C.	Where to Submit.
D.	Renotification.
Part III.	SPECIAL CONDITIONS
A.	Prohibition on non-storm water discharges
B.	Releases in excess of Reportable Quantities
C.	Unpaved Rural Roads
Part IV.	STORM WATER POLLUTION PREVENTION PLANS
A.	Deadlines for Plan Preparation and Compliance
B.	Signature and Plan Review
C.	Keeping Plans Current
D.	Contents of Plan
E.	Contractors
F.	Engineering Certification
Part V.	RETENTION OF RECORDS
Part VI.	STANDARD PERMIT CONDITIONS
A.	Duty to Comply.
B.	Continuation of the Expired General
C.	Need to halt or reduce activity not a defense
D.	Duty to Mitigate.
E.	Duty to Provide Information
F.	Other Information.
G.	Signatory Requirements.
H.	False Statements, Representations or Certifications Falsifying Tampering with or rendering Inaccurate Monitoring Devices or Methods
I.	Oil and Hazardous Substance Liability
J.	Property Rights.
K.	Severability.
L.	Requiring an individual permit or an alternative general permit.
M.	State Laws.
N.	Proper Operation and Maintenance
O.	Inspection and Entry.
P.	Permit Actions.

Permit N°: SCR100000

Q. Area Wide Water Quality Management Plan Conformance

Part VII. REOPENER CLAUSE

Part VIII. TERMINATION OF COVERAGE

A. Notice of Termination

B. Addresses

C. Additional Notification

Part IX. DEFINITIONS

PREFACE

The CWA provides that storm water discharges associated with industrial activity from a point source (including discharges through a municipal separate storm sewer system) to waters of the United States are unlawful, unless authorized by a National Pollutant Discharge Elimination System (NPDES) permit. The terms "storm water discharge associated with industrial activity", "point source" and "waters of the United States" are critical to determining whether a facility is subject to this requirement. Complete definitions of these terms are found in the definition section (Part IX) of this permit.

Part I. COVERAGE UNDER THIS PERMIT

A. **Permit Area.** The permit covers all areas of South Carolina, including Indian Country lands.

B. **Eligibility.**

1. This permit may authorize all discharges of storm water associated with industrial activity from construction sites, (by present EPA regulation this is sites or common plans of development or sale, including unpaved roads, that will result in the disturbance of five or more acres total land area, however this may be reduced to less than five acres¹), (henceforth referred to as storm water discharges from construction activities) occurring after February 1, 1998 (including discharges occurring after February 1, 1998 where the construction activity was initiated before February 1, 1998) except for discharges identified under paragraph I.B.3.
2. This permit may only authorize a storm water discharge associated with industrial activity from a construction site that is mixed with a storm water discharge from an industrial source other than construction, where:
 - a. the industrial source other than construction is located on the same site as the construction activity;
 - b. storm water discharges associated with industrial activity from the areas of the site where construction activities are occurring are in compliance with the terms of this permit; and
 - c. storm water discharges associated with industrial activity from the areas of the site where industrial activity other than construction are occurring (including storm water discharges from dedicated asphalt plants and dedicated concrete plants) are covered by a different NPDES general permit or individual permit authorizing such discharges.
3. **Limitations on Coverage.** The following storm water discharges from construction sites are not authorized by this permit:
 - a. storm water discharges associated with industrial activity that originate from the site after construction activities have been completed and the site has undergone final stabilization;
 - b. discharges that are mixed with sources of non-storm water other than discharges which are identified in Part III.A of this permit and which are in compliance with Part IV.D.5 (non-storm water discharges) of this permit;

¹ On June 4, 1992, the United States Court of Appeals for the Ninth Circuit remanded the exemption for construction sites of less than five acres to the EPA for further rule making. (Nos. 90-70671 and 91-70200). When this issue is resolved, this permit will be administratively modified without further public notice to be in compliance with the final EPA regulation.

c. storm water discharges associated with industrial activity that are subject to an existing NPDES individual or general permit or which are issued a permit in accordance with paragraph VI.L (requiring an individual permit or an alternative general permit) of this permit. Such discharges may be authorized under this permit after an existing permit expires provided the existing permit did not establish numeric limitations for such discharges;

d. storm water discharges from construction sites that the Department has determined to be or may reasonably be expected to be contributing to a violation of a water quality standard;

e. storm water discharges from construction sites if the discharge or the clearing activities are likely to have an adverse impact on a listed or proposed to be listed rare, endangered or threatened species or its critical habitat; and,

f. storm water discharges from construction sites if the discharge or the clearing activities are likely to have an adverse impact either on a site that is listed or eligible to be listed in the National Historic Register maintained by the Secretary of Interior, or on a site for which the applicant has not obtained or is not in compliance with a written agreement between the applicant and the State Historic Preservation Office (SHPO) that is signed by the SHPO and that outlines all measures to be undertaken by the applicant to prevent adverse impacts to the historic site.

C. **Authorization**. Unless notified by the Department to the contrary, and, as described in parts I.C.1., I.C.2. and I.C.3., below, a storm water discharge associated with construction activity becomes authorized under this permit when the discharger submits a Notice of Intent (NOI), or a South Carolina Department of Health and Environmental Control Standard Application Form For Construction Sites Disturbing More than 2 Acres (SC DHEC Form 3306), or a form similar to SC DHEC Form 3306 obtained from a local office and approved by SC DHEC. In addition, the discharger may be required to submit either the Storm Water Pollution Prevention Plan (SWP3), copies thereof, or letters of approval from applicable State and/or local storm water management and sediment erosion control plans acceptable to the Department as a part of the NOI submittal. The submittal must be in compliance with the terms and conditions of this permit, and with the terms of all applicable State and/or local Sediment and Erosion Plans as required in Part IV.D.2.d of this permit. The Department may request additional information for the purpose of granting authorization.

The Department may authorize coverage under this permit prior to the authorization times given in Parts I.C.1, I.C.2, and I.C.3 of this permit. The Department may deny coverage under this permit and require submittal of an application for an individual NPDES permit based on a review of the NOI, the SC DHEC Form 3306 or similar form, or any other information. This denial can be made at any time after the submittal of the NOI, the SC DHEC Form 3306 or similar form, and does not have to be made within the authorization times given in Parts I.C.1, I.C.2, and I.C.3 of this permit.

1. Projects not subject to review by any of the following: the South Carolina Storm Water Management and Sediment Reduction Regulation, the South Carolina Standards for Storm Water Management and Sediment Reduction, and/or applicable State and/or local storm water management and sediment erosion control plans acceptable to the Department. In addition to an NOI, the original SWP3 and two (2) copies of the SWP3 must be submitted to the Department. Authorization is granted twenty-two (22) calendar days after the NOI is postmarked to the Department.
2. Projects subject to review either by the South Carolina Storm Water Management and Sediment and Reduction Regulation, or by a State and/or local storm water management and sediment erosion control plan acceptable to the Department. An NOI or a SC DHEC Form 3306 or a similar form obtained from a local office and approved by SC DHEC must be submitted to the Department or to the local entity delegated under the South Carolina Storm Water Management and Sediment Reduction Regulation and approved by the Department.
 - a. Projects subject to review by the Department under the South Carolina Storm Water Management and Sediment Reduction Regulation. In addition to the SC DHEC Form 3306, the discharger must submit the original SWP3 and two (2) copies of the SWP3 to the Department. Authorization is granted upon the date of the Department's letter granting the project coverage under the South Carolina Storm Water Management and Sediment Reduction Regulation.
 - b. Projects subject to review either by a local entity delegated under the South Carolina Storm Water Management and Sediment Reduction Regulation, or by a State and/or local storm water management and sediment erosion control plan acceptable to the Department. In addition to a SC DHEC Form 3306 or a similar form, the discharger must submit the original SWP3 and the required number of copies of the SWP3 to the delegated local entity. Authorization is granted either forty-eight (48) hours after the date on which the DHEC Form 3306, similar form, or a copy thereof with an attached copy of the letter of approval from the designated entity is postmarked to the Department, or forty eight (48) hours after the date of the delegated local entity's letter of approval.
 - c. Projects covered under a currently approved general permit issued under the South Carolina Storm Water Management and Sediment Reduction Regulation. The discharger must submit an NOI to the Department. Authorization is granted forty-eight (48) hours after the NOI is postmarked to the Department. The SWP3 or copies thereof are not to be submitted to the Department unless requested.
3. Projects subject to South Carolina Standards for Storm Water Storm Water Management and Sediment Reduction requirements. For projects of either the South Carolina Department of Transportation (SCDOT) or agents acting on behalf of the SCDOT, an NOI and a letter from the SCDOT certifying that the SWP3 has been prepared and will be implemented in accordance with the requirements of this permit, in accordance with the South Carolina Standards for Storm Water Management and Sediment Reduction Regulations, and in accordance with all applicable State and local plans must be submitted to SC DHEC. Authorization is granted forty eight (48)

hours after the date on which the NOI and the SCDOT's letter is postmarked to the Department. The SWP3 or copies thereof are not to be submitted to SC DHEC unless requested.

Part II. NOTICE OF INTENT REQUIREMENTS

A. Deadlines for Notification.

1. Except as provided in paragraphs II.A.2, and II.A.3, individuals who intend to obtain coverage for storm water discharges from a construction site (either where disturbances associated with the construction project begin after **February 1, 1998**, or unpaved roads that remain unpaved after **February 1, 1998** Part III.C.1.) under this general permit shall submit a Notice of Intent (NOI), in accordance with the requirements of this Part at least 22 calendar days prior to the date of commencement of construction at any site or common plan of development or sale that will result in the disturbance of five or more acres total land area (NOTE: see footnote 1 in Part I.B.1);
2. For storm water discharges from construction sites, including unpaved rural roads, where the owner/operator changes, a new NOI in accordance with the requirements of this Part shall be submitted at least nine calendar days prior to the date when the new owner/operator begins work at the site; and
3. A discharger is not precluded from submitting an NOI in accordance with the requirements of this part after the dates provided in Parts II.A.1., or II.A.2. of this permit. In such instances, the Department may bring an enforcement action for failure to submit an NOI in a timely manner or for any unauthorized discharges of storm water associated with industrial activity that have occurred on or after the dates specified in Parts II.A.1, or II.A.2., respectively.

B. Contents of Notice of Intent. The Notice of Intent shall be signed in accordance with Part VI.G of this permit by all of the entities identified in Part II.B.3 and shall include the following information:

1. The mailing address, and location of the construction site for which the notification is submitted. Where a mailing address for the site is not available, the location can be described in terms of the latitude and longitude of the approximate center of the facility to the nearest 15 seconds that the construction site is located in;
2. The owner's name, address, telephone number, and status as Federal, State, private, public or other entity.
3. The name, address and telephone number of the operators with day to day operational control that have been identified at the time of the NOI submittal;
4. The name of the receiving water(s), or if the discharge is through a municipal separate storm sewer, the name of the municipal operator of the storm sewer and the ultimate receiving water(s);

5. The number of any NPDES permit for any discharge (including non-storm water discharges) from the site that is currently authorized by an NPDES permit.
6. An indication of whether the owner or operator has existing quantitative data which describes the concentration of pollutants in storm water discharges (existing data should not be included as part of the NOI); and
7. An estimate of project start date and completion date, estimates of the number of acres of the site on which soil will be disturbed, and a certification that a storm water pollution prevention plan has been prepared for the facility in accordance with Part IV of this permit, and such plan, as a part of the construction documents, provides compliance with any state or local sediment and erosion plans or permits.
8. For projects submitted to the Department for authorization under this permit and under the Storm Water Management and Sediment Reduction Regulation (as identified in Parts I.C.1. and I.C.2.a. of this permit), the SWP3 and two copies thereof shall be included. For projects submitted to a designated entity for review and approval under a storm water management and sediment reduction requirement (as identified in Parts I.C.2.b and I.C.3. of this permit), a copy of the letter of approval from the designated entity shall be included.

C. **Where to Submit.**

1. Facilities which discharge storm water associated with industrial activity must use a NOI form provided by the Department (or photocopy thereof) in accordance to Part I.C. (Authorization) Forms are available by calling (803) 734-5300. NOIs must be signed in accordance with Part VI.G of this permit. NOIs are to be submitted to the Department at the following address:

SC Department of Health and Environmental Control
NPDES/ND Permit Administration
Storm Water Notice of Intent for Construction
2600 Bull Street
Columbia, S. C. 29201

2. A copy of the NOI or other indication that storm water discharges from the site are covered under an NPDES permit, and a brief description of the project shall be posted at the construction site in a prominent place for public viewing (such as alongside a building permit).
3. A copy of the NOI or other indication that storm water discharges from the site are covered under an NPDES permit shall be forwarded to the operator of the jurisdictional Municipal Separate Storm Sewer System (MS4) if applicable.

- D. **Renotification.** Unless otherwise indicated by the Department, permittees already covered by the existing NPDES General Permit for Storm Water Discharges from Construction Activities that are classified as "Associated with Industrial Activity" by EPA Regulation will be granted coverage automatically under the new general permit. Upon

issuance of a new general permit, the Department may, at its discretion, require the permittees to notify the Department of their intent to be covered by the newly issued general permit.

**Part III. SPECIAL CONDITIONS, MANAGEMENT PRACTICES, AND OTHER
NON-NUMERIC LIMITATIONS**

A. Prohibition on non-storm water discharges.

1. Except as provided in paragraph I.B.2 and III.A.2, all discharges covered by this permit shall be composed entirely of storm water.
2.
 - a. Except as provided in paragraph III.A.2.b, discharges of material other than storm water must be in compliance with a NPDES permit (other than this permit) issued for the discharge.
 - b. The following non-storm water discharges may be authorized by this permit provided the non-storm water component of the discharge is in compliance with paragraph IV.D.5.: discharges from fire fighting activities; fire hydrant flushings; waters used to wash vehicles or control dust in accordance with Part IV.D.2.c.(2); potable water sources including water line flushings; irrigation drainage; routine external building wash down which does not use detergents; pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used; air conditioning condensate; springs; uncontaminated ground water; and foundation or footing drains where flows are not contaminated with process materials such as solvents.

B. Releases in excess of Reportable Quantities.

1. The discharge of hazardous substances or oil in the storm water discharge(s) from a facility shall be prevented or minimized in accordance with the applicable storm water pollution prevention plan for the facility. This permit does not relieve the permittee of the reporting requirements of 40 CFR part 117 and 40 CFR part 302. Where a release containing a hazardous substance in an amount equal to or in excess of a reporting quantity established under either 40 CFR 117 or 40 CFR 302, occurs during a 24 hour period:
 - a. The permittee is required to notify by telephone both the Department's Emergency Response Section at (803) 253-6488 and the National Response Center (NRC) at (800) 424-8802 in accordance with the requirements of 40 CFR 117 and 40 CFR 302 as soon as he or she has knowledge of the discharge;
 - b. The permittee shall submit immediately after having knowledge of the release a written description of: the release (including the type and estimate of the amount of material released), the date that such release occurred, the circumstances leading to the release, and steps to be taken to both EPA Region 4, 61 Forsyth Street, SW, Atlanta, GA 30303-3104 and the SC Department of Health and Environmental Control, Emergency Response Section, 2600 Bull Street Columbia, S.C. 29201; and

c. The storm water pollution prevention plan required under Part IV of this permit must be modified within 14 calendar days of knowledge of the release to: provide a description of the release, the circumstances leading to the release, and the date of the release. In addition, the plan must be reviewed to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the plan must be modified where appropriate.

2. Spills. This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill.

C. Unpaved Rural Roads

1. Applicability

The provisions of this subpart are applicable to the construction of roads (except roads constructed for silviculture uses specifically exempted under SC Reg. 61-9.122 Part B 122.27(b)(1)) wherein five acres or more are disturbed and such roads remain unpaved after construction is complete.

2. Construction

Construction of unpaved rural roads where the possibility of a point source discharge to surface waters exists, must comply with all applicable portions of this permit and the South Carolina Department of Transportation document titled **Requirements for Hydraulic Design Studies** or most current version or revisions of this document. In addition, the following conditions apply:

- a. Water turnouts, drainage systems designed to reduce the volume and velocity of ditch flow, shall be constructed in conjunction with the roadside drainage ditches in accordance with **Requirements for Roadway Drainage** of the above referenced document.

- b. All water turnouts must direct diverted flow onto vegetated areas where it can be adequately dispersed. The turnouts shall not direct diverted flow or road runoff into waters of the State.

Part IV. STORM WATER POLLUTION PREVENTION PLANS

A storm water pollution prevention plan shall be developed for each construction site covered by this permit. Storm water pollution prevention plans shall be prepared in accordance with good engineering practices. The plan shall identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges from the construction site. In addition, the plan shall describe and ensure the implementation of practices which will be used to reduce the pollutants in storm water discharges associated with industrial activity at the construction site and to assure compliance with the terms and conditions of this permit. Facilities must implement the provisions of the storm water pollution prevention plan required under this part as a condition of this permit.

A. **Deadlines for Plan Preparation and Compliance.**

Except for those projects specifically exempt under I.C.2.b., I.C.2.c., I.C.3., and II.B.8. of this permit, the SWP3 shall be completed and submitted with the NOI, or with the SC DHEC Storm Water Management Application Form, DHEC 3306, to be covered under this permit and shall be updated as appropriate.

B. **Signature and Plan Review**

1. The plan shall be signed in accordance with Part VI.G, and be retained on-site at the facility which generates the storm water discharge in accordance with Part V (retention of records) of this permit. Whenever this could not possibly be accomplished, the location of the plan should be determined. Such determination should be included in the plan.
2. The permittee shall make plans available to the Department upon request or in the case of a storm water discharge associated with industrial activity which discharges through a municipal separate storm sewer system with an NPDES permit, to the municipal operator of the system.
3. The Department may notify the permittee at any time that the plan does not meet one or more of the minimum requirements of this Part. Within 7 days of such notification from the Department, (or as otherwise provided by the Department), the permittee shall make the required changes to the plan and shall submit to the Department a written certification that the requested changes have been made.

- C. **Keeping Plans Current.** The permittee shall amend the plan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to surface waters of South Carolina and which has not otherwise been addressed in the plan or if the storm water pollution prevention plan proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified under Part IV.D.2 of this permit, or in otherwise achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity. Amendments to the plan may be reviewed by the Department in the same manner as Part IV.B above. Plan records should be updated periodically to reflect the certification that new contractors and subcontractors have signed as required in Part IV.E. (Contractors).

- D. **Contents of Plan.** The storm water pollution prevention plan shall include the following items:

1. **Site Description.** Each plan shall, provide a description of pollutant sources and other information as indicated:
 - a. A description of the nature of the construction activity;
 - b. A description of the intended sequence of major activities which disturb soils for major portions of the site (e.g. grubbing, excavation, grading);

- c. Estimates of the total area of the site and the total area of the site that is expected to be disturbed by excavation, grading, or other activities;
 - d. An estimate of the runoff coefficient of the site after construction activities are completed including the change in the amount of impervious area, an indication of what the future use of the site will be, and existing data describing the soil or the quality of any discharge from the site ;
 - e. A site map indicating drainage patterns and approximate slopes anticipated after major grading activities, areas of soil disturbance, the location of major structural and nonstructural controls identified in the plan, the location of areas where stabilization practices are expected to occur, surface waters (including wetlands), and location, latitude and longitude of storm water outfalls to surface waters; and
 - f. The name of the receiving and the ultimate receiving water(s), and areal extent of wetland acreage at the site.
2. **Controls**. Each plan shall include a description of appropriate controls and measures that will be implemented at the construction site. The plan will clearly describe for each major activity identified in Part IV.D.1.b appropriate control measures and the timing during the construction process that the measures will be implemented. (For example, perimeter controls for one portion of the site will be installed after the clearing and grubbing necessary for installation of the measure, but before the clearing and grubbing for the remaining portions of the site. Perimeter controls will be actively maintained until final stabilization of those portions of the site upward of the perimeter control. Temporary perimeter controls will be removed after final stabilization). The description and implementation of controls shall address the following minimum components:
- a. **Erosion and Sediment Controls**.
 - (1). **Stabilization Practices**. A description of interim and permanent stabilization practices, including site-specific scheduling of the implementation of the practices. Site plans should ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized. Stabilization practices may include: temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures. A record of the dates when major grading activities occur, when construction activities temporarily or permanently cease on a portion of the site, and when stabilization measures are initiated shall be included in the plan. Except as provided in paragraphs IV.D.2.(a).(1).(a), and (b) below, stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased.

- (a). Where the initiation of stabilization measures by the 14th day after construction activity temporary or permanently cease is precluded by snow cover, stabilization measures shall be initiated as soon as practicable.
- (b). Where construction activity will resume on a portion of the site within 21 days from when activities ceased, (e.g. the total time period that construction activity is temporarily ceased is less than 21 days) then stabilization measures do not have to be initiated on that portion of site by the 14th day after construction activity temporarily ceased.

(2). **Structural Practices.** A description of structural practices to divert flows from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable. Such practices may include silt fences, earth dikes, drainage swales, sediment traps, check dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins. Structural practices should be placed on upland soils to the degree attainable. The installation of these devices may be subject to Section 404 of the CWA.

- (a) For common drainage locations that serve an area with 10 or more disturbed acres at one time, a temporary (or permanent) sediment basin providing 3,600 cubic feet of storage per acre drained, or equivalent control measures, shall be provided where attainable until final stabilization of the site. The 3,600 cubic feet of storage area per acre drained does not apply to flows from offsite areas and flows from onsite areas that are either undisturbed or have undergone final stabilization where such flows are diverted around the sediment basin. For drainage locations which serve 10 or more disturbed acres at one time and where a temporary sediment basin providing 3,600 cubic feet of storage per acre drained, or equivalent controls, is not attainable, smaller sediment traps and/or sediment basins should be used. At a minimum, silt fences, or equivalent sediment controls are required for all sideslope and downslope boundaries of the construction area.
- (b) For drainage locations serving less than 10 acres, sediment basins and/or sediment traps, silt fences or equivalent sediment controls are required for all sideslope and downslope boundaries of the construction area unless a sediment basin providing storage for 3,600 cubic feet of storage per acre drained is provided.

b. **Storm Water Management.** A description of measures that will be installed during the construction process to control pollutants in storm water discharges that will occur after construction operations have been completed. Structural measures should be placed on upland soils to the degree attainable. The installation of these devices may be subject to Section 404 of the CWA. This permit only addresses the installation of storm water management measures, and not the ultimate operation and maintenance of such structures after the construction activities have been completed and the site has undergone final stabilization. Permittees are only responsible for the installation and maintenance of

storm water management measures prior to final stabilization of the site, and are not responsible for maintenance after storm water discharges associated with industrial activity have been eliminated from the site.

(1). Such practices may include: storm water detention structures; storm water retention structures; flow attenuation by use of open vegetated swales and natural depressions; infiltration of runoff onsite; and sequential systems (which combine several practices). The storm water management system shall be designed to remove at least 80 percent of the average annual load of pollutants which cause or may contribute to cause violations of water quality standards. The Storm Water Pollution Prevention Plan shall include an explanation of the technical basis used to select the practices to control pollution where flows exceed pre-development levels.

(2). Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel as necessary to provide a non-erosive velocity flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected (e.g. no significant changes in the hydrological regime of the receiving water). Equalization of the pre-development and post-development storm water peak discharge rate and volume shall be a goal in the design of the post-development storm water management system in order to maintain the hydrological regime of the receiving waters.

(3). Water Quality Detention Structures. Storm water detention structures include extended detention ponds, which control the rate at which the pond drains after a storm event. Extended detention ponds are usually designed to completely drain in about 24 to 40 hours, and will remain dry at other times. They can provide pollutant removal efficiencies that are similar to those of retention ponds. Extended detention systems are typically designed to provide both water quality and water quantity (flood control) benefits.

c. Other Controls.

(1). Waste Disposal. No solid materials, including building materials, shall be discharged to waters of South Carolina, except as authorized by a Section 404 permit.

(2). Off-site vehicle tracking of sediments and the generation of dust shall be minimized.

(3). The plan shall ensure and demonstrate compliance with applicable State and/or local waste disposal, sanitary sewer or septic system regulations.

(4). The plan shall address the proper application rates and methods for the use of fertilizers and pesticides at the construction site and set forth how these procedures will be implemented and enforced.

d. Approved State or Local Plans.

(1). Permittees which discharge storm water associated with industrial activity from construction activities must include in their storm water pollution prevention plan procedures and requirements specified in applicable sediment and erosion site plans or site permits, or storm water management site plans or site permits approved by State or local officials. Permittees shall provide a certification in their storm water pollution prevention plan that their storm water prevention plan reflects requirements applicable to protecting surface water resources in sediment and erosion site plans or site permits approved by State or local officials. Permittee shall comply with any such requirements during the term of the permit. This provision does not apply to provisions of master plans, comprehensive plans, non-enforceable guidelines or technical guidance documents that are not identified in a specific plan or permit that is issued for the construction site.

(2). Storm water pollution prevention plans must be amended to reflect any change applicable to protecting surface water resources in sediment and erosion site plans or site permits, or storm water management site plan or site permits approved by State or local officials for which the permittee receives written notice. Where the permittee receives such written notice of a change, the permittee shall provide a recertification in the storm water pollution plan that the storm water pollution prevention plan has been modified to address such changes.

3. Maintenance. A description of procedures to ensure the timely maintenance of vegetation, erosion and sediment control measures and other protective measures identified in the site plan in good and effective operating condition.

4. Inspections. Qualified personnel (provided by the discharger) shall inspect disturbed areas of the construction site and areas used for storage of materials that are exposed to precipitation that have not been finally stabilized, structural control measures, and locations where vehicles enter or exit the site at least once every seven calendar days and within 24 hours of the end of a storm that is 0.5 inches or greater. Where sites have been finally stabilized such inspection shall be conducted at least once every month.

a. Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. Erosion and sediment control measures identified in the plan shall be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they shall be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving waters. Locations where vehicles enter or exit the site shall be inspected for evidence of offsite sediment tracking.

b. Discharge locations or points shall be inspected to ascertain whether erosion control measures are effective in meeting the performance standards set forth in this and any other storm water permitting regulations, including all applicable State or local plans.

c. Based on the results of the inspection, the site description identified in the plan in accordance with paragraph IV.D.1 of this permit and pollution prevention measures identified in the plan in accordance with paragraph IV.D.2 of this permit shall be revised as appropriate, but in no case later than 7 calendar days following the inspection. Such modifications shall provide for timely implementation of any changes to the plan within 7 calendar days following the inspection.

d. A report summarizing the scope of the inspection, name(s) and qualifications of personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the storm water pollution prevention plan, and actions taken in accordance with paragraph IV.D.4.b of the permit shall be made and retained as part of the storm water pollution prevention plan for at least three years from the date that the site is finally stabilized. Such reports shall identify any incidents of non-compliance. Where a report does not identify any incidents of non-compliance, the report shall contain a certification that the facility is in compliance with the storm water pollution prevention plan and this permit. The report shall be signed in accordance with Part VI.G of this permit.

5. **Non-Storm Water Discharges** - Except for flows from fire fighting activities, sources of non-storm water listed in Part III.A.2 of this permit that are combined with storm water discharges associated with industrial activity must be identified in the plan. The plan shall identify and ensure the implementation of appropriate pollution prevention measures for the non-storm water component(s) of the discharge.

a. For fire hydrant and water line flushing, both, periodical and new construction occurrences, the following guidelines apply:

- (1) Detergents and other chemical compounds can not be discharged.
- (2) Adverse environmental impacts due to chlorine releases shall be eliminated or kept to a minimum to the maximum extent practicable by using best management practices.

E. **Contractors**

1. The storm water pollution prevention plan must clearly identify for each measure identified in the plan, the contractor(s) and/or subcontractor(s) that will implement the measure. All contractors and subcontractors identified in the plan must sign a copy of the certification statement in Part IV.E.2 of this permit in accordance with Part VI.G of this permit. All certifications must be included in the storm water pollution prevention plan.
2. **Certification Statement.** All contractors and subcontractors of the owner/operator whose activities at the site may impact storm water discharges or controls at the site along the duration of the project, shall sign a copy of the certification statement given below:

"I certify by my signature below that I accept the terms and conditions of the Storm Water Pollution Prevention Plan (SWPPP) as required by the general National Pollutant Discharge Elimination System (NPDES permit number SCR100000) issued to the owner/operator of the construction activity for which I have been contracted to perform construction related professional services. Further, by my signature below, I understand that I am becoming a co-permittee with the owner/operator and other contractors that have become co-permittees to the general NPDES permit issued to the owner/operator of the facility for which I have been contracted to perform professional construction services. As a co-permittee, I understand that I, and my company, as the case may be, are legally accountable to the SC Department of Health and Environmental Control (DHEC), under the authorities of the CWA and the SC Pollution Control Act, to ensure compliance with the terms and conditions of the SWPPP. I also understand that DHEC enforcement actions may be taken against any specific co-permittee or combination of co-permittees if the terms and conditions of the SWPP are not met. Therefore, having understood the above information, I am signing this certification and am receiving co-permittee status to the aforementioned general NPDES permit."

The date of the signature, the title of the person providing the signature, and the name, address, and telephone number of the contracted firm, shall also be provided. In the event the SWPPP is amended by the owner, such amendments should be incorporated to the plan and the contractors and subcontractors should acknowledge by signature.

The signatory requirements of 40 CFR 122.22, as provided in Part VI.G of this permit are applicable to each contracted entity that must sign the contractor's certification statement. Upon signing the certification, the contractor is a co-permittee and becomes accountable to the Department to ensure the terms and conditions of this permit are implemented. All co-permittes are subject to Department enforcement actions if permit conditions are not met. Enforcement actions may be taken against any specific co-permittee or combination of co-permittees, with consideration given to the party responsible for the violation. The owner/operator submitting the NOI shall retain all contractor certifications for at least three years after a contractor has completed work at the site. Copies of all contractor certifications and a copy of this permit shall be retained on the site of the construction activity. The owner/operator of the facility covered by this permit shall make all contractor certifications available upon request to the Department.

F. **Qualified Designer Certification**

The storm water pollution prevention plan for a land disturbing activity 5 acres or larger (See Part I.B.1, above) shall be reviewed by a qualified designer and certified to by such designer. The following disciplines may certify and stamp/seal plans as allowed by their respective licensing act and regulations.

- a. Registered professional engineers as described in Title 40, Chapter 22.

- b. Registered landscape architects as described in Title 40, Chapter 28, Section 10, item (b).
- c. Tier B land surveyors as described in Title 40, Chapter 22.
- d. Federal government employees as described by Title 40, Chapter 22, Section 460.

By means of these certifications, the qualified designer, having examined the SWP3 and being familiar with the provisions of this part, shall attest that the storm water pollution prevention plan has been prepared in accordance with best professional judgement. Such certifications shall in no way relieve the owner or operator of a facility covered by the plan of their duty to prepare and fully implement such plan.

Part V. RETENTION OF RECORDS

- A. The permittee shall retain copies of storm water pollution prevention plans and all reports required by this permit, and records of all data used to complete the Notice of Intent to be covered by this permit, for a period of at least three years from the date that the site is finally stabilized. This period may be extended by request of the Department at any time.
- B. The permittee shall retain a copy of the storm water pollution prevention required by this permit at the construction site from the date of project initiation to the date of final stabilization. If not possible, then, a place to keep the SWPPP must be designated in the plan itself.
- C. **Addresses.** All written correspondence under this permit shall be directed to the Department at the following address:

SC Department of Health and Environmental Control
NPDES/ND Permit Administration
Storm Water Permitting
2600 Bull Street
Columbia, SC 29201

Part VI. STANDARD PERMIT CONDITIONS

- A. **Duty to Comply.**
 - 1. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the S.C. Pollution Control Act and the CWA and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.
 - 2. **Penalties for Violations of Permit Conditions.**
 - a. Any person who violates a term or condition contained within this permit is subject to the action defined by Sections 48-1-320 and 330 of the SC Pollution Control Act.

b. Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for non-compliance.

B. **Continuation of the Expired General Permit.**

This permit expires **January 31, 2003**. However, an expired general permit continues in force and effect until a new general permit is issued. Permittees remain covered under the continued permit after **January 31, 2003**.

C. **Need to halt or reduce activity not a defense.** It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

D. **Duty to Mitigate.** The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of having an adverse impact on either human health or the environment.

E. **Duty to Provide Information.** The permittee shall furnish to the Department or in the case of a storm water discharge associated with industrial activity which discharges through a municipal separate storm sewer system with an NPDES permit, to the municipal operator of the system, any information which is requested to determine compliance with this permit or other information.

F. **Other Information.** When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the Notice of Intent or in any other report to the Department, he or she shall promptly submit such facts or information.

G. **Signatory Requirements.** All Notices of Intent, storm water pollution prevention plans, reports, certifications or information either submitted to the Department or the operator of a large or medium municipal separate storm sewer system, or that this permit requires be maintained by the permittee, shall be signed as follows:

1. All Notices of Intent shall be signed as follows:

a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (1) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or (2) the manager of one or more manufacturing, production or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second-quarter 1980 dollars) if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

c. For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes (1) the chief executive officer of the agency, or (2) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

2. All reports required by the permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

a. The authorization is made in writing by a person described above and submitted to the Department.

b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position).

c. **Changes to authorization.** If an authorization under Part II.B.3. is no longer accurate because a different operator has responsibility for the overall operation of the construction site, a new notice of intent, satisfying the requirements of Part II.B, must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.

d. **Certification.** Any person signing documents under paragraph VI.G shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

H. **False Statements, Representations or Certifications Falsifying Tampering with or Rendering Inaccurate Monitoring Devices or Methods**

Section 48-1-340 of the SC Pollution Control Act provides that any person who knowingly makes any false statement, representation, or certification in an application, record, report, plan or other document filed or required to be maintained under this permit or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required to be maintained by this

permit, shall be subject to the civil or criminal provisions of Sections 48-1-320 and 48-1-330 of the SC Pollution Control Act.

- I. **Oil and Hazardous Substance Liability.** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the CWA, Section 106 of CERCLA, the SC Pollution Control Act, or applicable provisions of the SC Hazardous Waste Management Act and the SC Oil and Gas Act.
- J. **Property Rights.** The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.
- K. **Severability.** The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.
- L. **Requiring an individual permit or an alternative general permit.**
 - 1. The Department may require any person authorized by this permit to apply for and/or obtain either an individual NPDES permit or an alternative NPDES general permit. Any interested person may petition the Department to take action under this paragraph. Where the Department requires a discharger authorized to discharge under this permit to apply for an individual NPDES permit, the Department shall notify the discharger in writing that a permit application is required. This notification shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for the discharger to file the application, and a statement that on the effective date of the individual NPDES permit or the alternative general permit as it applies to the individual permittee, coverage under this general permit shall automatically terminate. Applications shall be submitted to the Department at the address indicated in Part V.C of this permit. The Department may grant additional time to submit the application upon request of the applicant. If a discharger fails to submit in a timely manner an individual NPDES permit application as required by the Department under this paragraph, then the applicability of this permit to the individual NPDES permittee is automatically terminated at the end of the day specified by the Department for application submittal.
 - 2. Any discharger authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. In such cases, the permittee shall submit an individual application in accordance with the requirements of 40 CFR 122.26(c)(1)(ii), with reasons supporting the request, to the Department at the address in Part V.C of this permit. The request may be granted by issuance of an individual permit or an

alternative general permit if the reasons cited by the permittee are adequate to support the request.

3. When an individual NPDES permit is issued to a discharger otherwise subject to this permit, or the discharger is authorized to discharge under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be. When an individual NPDES permit is denied to a discharger otherwise subject to this permit, or the discharger is denied for coverage under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee remains in effect, unless otherwise specified by the Department.

M. **State/Environmental Laws.**

1. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by section 510 of the CWA.
2. No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.

- N. **Proper Operation and Maintenance.** The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit and with the requirements of storm water pollution prevention plans. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by a permittee only when necessary to achieve compliance with the conditions of the permit.

- O. **Inspection and Entry.** The permittee shall allow the Department or in the case of a construction site which discharges through a municipal separate storm sewer, an authorized representative of the municipal operator or the separate storm sewer receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
2. Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit; and

3. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment).
- P. **Permit Actions.** This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.
- Q. **Area Wide Water Quality Management Plan Conformance.** All storm water discharges from construction sites given coverage under this general permit are in compliance with the appropriate Area Wide Water Quality Management Plan prepared pursuant to Section 208 of the CWA.

Part VII. REOPENER CLAUSE

- A. If there is evidence indicating potential or realized impacts on water quality due to any storm water discharge associated with industrial activity covered by this permit, the discharger may be required to obtain an individual permit or an alternative general permit in accordance with Part I.C of this permit or the permit may be modified to include different limitations and/or requirements.
- B. Permit modification or revocation will be conducted according to S.C. Regulation 61-9.

Part VIII. TERMINATION OF COVERAGE

- A. **Notice of Termination.** Where a site has been finally stabilized and all storm water discharges from construction activities that are authorized by this permit are eliminated, the operator of the facility must submit a Notice of Termination that is signed in accordance with Part VI.G of this permit. The Notice of Termination shall include the following information:
 1. The mailing address of the construction site for which the notification is submitted. Where a mailing address for the site is not available, the location of the approximate center of the site must be described in terms of the latitude and longitude to the nearest 15 seconds, or the section, township and range to the nearest quarter;
 2. The name, address and telephone number of the operator addressed by the Notice of Termination;
 3. The NPDES permit number for the storm water discharge identified by the Notice of Termination;
 4. An indication of whether the storm water discharges associated with industrial activity have been eliminated or the operator of the discharges has changed; and
 5. The following certification signed in accordance with Part VI.G (signatory requirements) of this permit:

"I certify under penalty of law that all storm water discharges associated with industrial activity from the identified facility that are authorized by an NPDES general permit have been eliminated or that I am no longer the operator of the construction activity. I understand that by submitted this notice of termination, that I am no longer authorized to discharge storm water associated with industrial activity under this general permit, and that discharging activity to waters of South Carolina is unlawful under the S.C. Pollution Control Act and the Federal Clean Water Act where the discharge is not authorized by an NPDES permit. I also understand that the submittal of this notice of termination does not release an operator from liability for any violations of this permit or the Clean Water Act."

For the purposes of this certification, elimination of storm water discharges associated with industrial activity means that all disturbed soils at the identified facility have been finally stabilized and temporary erosion and sediment control measures have been removed or will be removed at an appropriate time, or that all storm water discharges associated with construction activities from the identified site that are authorized by a NPDES general permit have otherwise been eliminated.

- B. **Addresses.** All Notices of Termination are to be sent, using the form provided by the Department (or a photocopy thereof), to the following address:

S.C. Dept. Of Health and Environmental Control
NPDES/ND Permit Administration
Storm Water Notice of Termination
2600 Bull Street
Columbia, S.C. 29201

- C. **Additional Notification.** In addition to sending the NOT to the Department, if the storm water management system discharges to a municipal separate storm sewer system, a copy of the NOT shall be sent to the owner/operator of that MS4.

Part IX. DEFINITIONS

"Adverse Impact" means a significant negative impact to land, water and associated resources resulting from a land disturbing activity. The negative impact includes increased risk of flooding; degradation of water quality; increased sedimentation; reduced groundwater recharge; negative impacts on aquatic organisms; negative impacts on wildlife and other resources; and threatened public health.

"Best Management Practices" ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of South Carolina. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

"CFR" means the Code of Federal Regulations.

"Commencement of Construction" - The initial disturbance of soils associated with clearing, grading, or excavating activities or other construction activities.

"CWA" means Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub.L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. (6-483 and Pub. L. 97-117, 33 U.S.C. 1251 et.seq.

"Dedicated portable asphalt plant" - A portable asphalt plant that is located on or contiguous to a construction site and that provides asphalt only to the construction site that the plant is located on or adjacent to. The term dedicated portable asphalt plant does not include facilities that are subject to the asphalt emulsion effluent limitation guideline at 40 CFR 443.

"Dedicated portable concrete plant" - A portable concrete plant that is located on or contiguous to a construction site and that provides concrete only to the construction site that the plant is located on or adjacent to.

"Department" means the South Carolina Department of Health and Environmental Control or an authorized representative. It shall also be inclusive of those persons within the Department authorized by the Board to administer the NPDES program or to take any action on behalf of the Board.

"Director" means the Regional Administrator of the United States Environmental Protection Agency or an authorized representative.

"EPA" means the United States Environmental Protection Agency.

"Final Stabilization" means that all soil disturbing activities at the site have been completed, and that a uniform perennial vegetative cover with a density of 70% the cover for the area has been established or equivalent stabilization measures (such as the use of mulches or geotextiles) have been employed.

"Flow-weighted composite sample" means a composite sample consisting of a mixture of aliquots collected at a constant time interval, where the volume of each aliquot is proportional to the flow rate of the discharge.

"Land Disturbing Activity" means any use of the land by any person that results in a change in the natural cover or topography that may cause erosion and contribute to sediment and alter the quality and quantity of storm water runoff.

"Large and Medium municipal separate storm sewer system" means all municipal separate storm sewers that are either:

- (i) located in an incorporated place (city) with a population of 100,000 or more as determined by the latest Decennial

Census by the Bureau of Census (these cities presently are Columbia and Greenville; or
(ii) located in the counties with unincorporated urbanized populations of 100,000 or more, except municipal separate storm sewers that are located in the incorporated places, townships or towns within such counties (these counties presently are Greenville and Richland; or
(iii) owned or operated by a municipality other than those described in paragraph (i) or (ii) and that are designated by the Department as part of the large or medium municipal separate storm sewer system (certain drainage areas of the City of Charleston have been designated).

"NOI" means notice of intent to be covered by this permit. It is a form used by potential permittees to notify the Department, within a specified time, that they intend to comply with the general permit or that they do not wish to be covered by the general permit and wish an individual permit. (See Part II of this permit.)

"NOT" means notice of termination (see Part VIII of this permit).

"Point Source" means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharges. This term does not include return flows from irrigated agriculture.

"Post-Development" means the conditions which exist following the completion of the land disturbing activity in terms of topography, vegetation, land use and rate, volume or direction storm water runoff.

"Pre-Development" means the conditions which existed prior to the initiation of the land disturbing activity in terms of topography, vegetation, land use and rate, volume or direction of storm water runoff.

"Runoff coefficient" means the fraction of total rainfall that will appear at the conveyance as runoff.

"Storm Water" means storm water runoff, snow melt runoff, and surface runoff and drainage.

"Storm Water Associated with Industrial Activity" means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program. For the categories of industries identified in subparagraphs (i) through (x) of this subsection, the term includes, but is not limited to, storm water discharges from industrial plant yards; immediate

access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters (as defined at 40 CFR 401); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. For the categories of industries identified in subparagraph (xi), the term includes only storm water discharges from all areas listed in the previous sentence (except access roads) where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water. For the purposes of this paragraph, material handling activities include the: storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas. Industrial facilities (including industrial facilities that are Federally or municipally owned or operated that meet the description of the facilities listed in this paragraph (i)-(xi)) include those facilities designated under 122.26(a)(1)(v). The following categories of facilities are considered to be engaging in "industrial activity" for purposes of this subsection:

(i) Facilities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR Subchapter N (except facilities with toxic pollutant effluent standards which are exempted under category (xi) of this definition);

(ii) Facilities classified as Standard Industrial Classifications 24 (except 2434), 26 (except 265 and 267), 28, 29, 311, 32, 33, 3441, 373;

(iii) Facilities classified as Standard Industrial Classifications 10 through 14 (mineral industry) including active or inactive mining operations (except for areas of coal mining operations meeting the definition of a reclamation area under 40 CFR 434.11(1) because the performance bond issued to the facility by the appropriate SMCRA authority has been released, or except for areas of non-coal mining operations which have been released from applicable State or Federal reclamation requirements after December 17, 1990) and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations; inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator;

- (iv) Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under Subtitle C of RCRA;
- (v) Landfills, land application sites, and open dumps that have received any industrial wastes (waste that is received from any of the facilities described under this subsection) including those that are subject to regulation under Subtitle D of RCRA;
- (vi) Facilities involved in the recycling of materials, including metal scrapyards, battery reclaimers, salvage yards, and automobile junkyards, including but limited to those classified as Standard Industrial Classification 5015 and 5093;
- (vii) Steam electric power generating facilities, including coal handling sites;
- (viii) Transportation facilities classified as Standard Industrial Classifications 40, 41, 42, 44, and 45 which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations, or which are otherwise identified under paragraphs (i)-(vii) or (ix)-(xi) of this subsection are associated with industrial activity;
- (ix) Treatment works treating domestic sewage or any other sewage sludge or waste water treatment device or system, used in the storage treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 mgd or more, or required to have an approved pretreatment program under 40 CFR 403. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with 40 CFR 503;
- (x) Construction activity including clearing, grading and excavation activities except: operations that result in the disturbance of less than five acres of total land area which are not part of a larger common plan of development or sale²;
- (xi) Facilities under Standard Industrial Classifications 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 31 (except 311), 34 (except 3441), 35, 36, 37 (except 373), 38, 39, 4221-25, (and which are not otherwise included within categories (i)-(x)).

"Storm water Management" means, for:

- (a) quantitative control, a system of vegetative or structural measures, or both, that control the increased volume and rate of storm water runoff caused by manmade changes to the land;

² On June 4, 1992, the United States Court of Appeals for the Ninth Circuit remanded the exemption for construction sites of less than five acres to the EPA for further rule making. (Nos. 90-70671 and 91-70200). Upon final resolution of this issue this definition will be administratively modified without public notice to comply with the final EPA definition.

- (b) qualitative control, a system of vegetative, structural, or other measures that reduce or eliminate pollutants that might otherwise be carried by storm water runoff.

"Waters of South Carolina" means lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial limits of the State, and all other bodies of surface or underground water, natural or artificial, public or private, inland or coastal, fresh or salt, which are wholly or partially within or bordering the State or within its jurisdiction, and, all waters of the United States within the political boundaries of the State of south Carolina.

"Waters of the United States" means:

(a) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;

(b) All interstate waters, including interstate "wetlands";

(c) All other waters such as interstate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:

(1) Which are or could be used by interstate or foreign travelers for recreational or other purposes;

(2) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or

(3) Which are used or could be used for industrial purposes by industries in interstate commerce;

(d) All impoundments of waters otherwise defined as waters of the United States under this definition;

(e) Tributaries of waters identified in paragraphs (a) through (d) of this definition;

(f) The territorial sea; and

(g) Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) through (f) of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA are not waters of the United States. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the United States (such as disposal areas in wetlands) nor resulted from the impoundment of waters of the United States.

"10-year, 24-hour precipitation event" means the maximum 24-hour precipitation event with a probable reoccurrence interval of once in 10 years.